

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERK'S OFFICE

Town of Duxbury, et. al.,

Plaintiffs,

v.

Amerada Hess Corporation, et al.,

Defendants.

2003 DEC 24 A 10: 47

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 2003-12399RGS

**DEFENDANT CITGO'S NOTICE OF STAY ORDERS IN RELATED CASES
AND STIPULATION APPLICABLE TO THIS CASE**

NOW COMES Defendant CITGO Petroleum Corporation ("CITGO"), by and through its counsel, and hereby notifies the Court of the entry of stay orders in related actions and of plaintiffs' counsel's stipulation that this case should be stayed, as discussed below. CITGO further submits herewith a proposed stay Order.

1. On December 11, 2003, CITGO and other Defendants in this action filed Defendants' Motion to Stay Proceedings Pending Ruling on Transfer and Consolidation by the Judicial Panel on Multidistrict Litigation. Shortly thereafter, on December 19, 2003, certain Defendants filed Defendants' Motion for Extension of Time in Which to File Opposition to Plaintiffs' Motion to Remand, which Opposition otherwise would be due on December 26, 2003.

2. CITGO now files this Notice to apprise the Court of an order entered by Judge Shira Scheindlin, presiding judge in MDL 1358, *In Re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, attached hereto as Exhibit A, and the entry of a stay order on December 18, 2003 in another related case, *State of New Hampshire v. Amerada Hess Corp., et al.*, (D.N.H. Docket No. 03-CV-486 and D.R.I. Docket No. CA 03-0529L), attached hereto as

Exhibit B. CITGO also seeks to apprise this Court that counsel for all plaintiffs in this case stipulated in the matter before Judge Scheindlin on December 19, 2003 that this case should be stayed.

3. Judge Scheindlin, acting in her capacity both as a presiding judge in MDL 1358, and the assigned judge in nine MTBE products liability actions pending in the Southern District of New York, entered the attached order on December 23, 2003. The Order requests that all proceedings in the cases listed on the Schedule attached to the Order, including this case, be stayed pending transfer of the cases to MDL 1358. Judge Scheindlin has set an expedited briefing schedule on the Motions for Remand filed in the cases currently pending before her.

4. Similarly, on December 18, 2003, Judge Ronald R. Lagueux entered an order in the *State of New Hampshire* suit referenced above, staying that action.

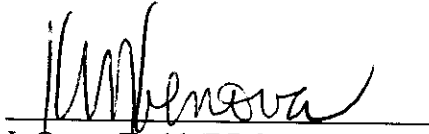
5. Finally, counsel representing approximately 90% of the plaintiffs on the Schedule attached to Judge Scheindlin's order, including counsel for all plaintiffs in this case, have stipulated to the following: (1) that all cases they control should be stayed and transferred to Judge Scheindlin; (2) that plaintiffs will not oppose the issuance of a conditional transfer order by the Judicial Panel for Multidistrict Litigation (subject to and without waiving plaintiffs' objection to federal jurisdiction); (3) that Judge Scheindlin may stay and cause the immediate transfer of other cases to her court; (4) that an expedited briefing schedule and hearing will be conducted on plaintiffs' motions for remand pending in the cases before Judge Scheindlin; and (5) pending declaratory judgment actions filed by certain oil company defendants shall be stayed pending the decision on remand. (Transcript, at pp. 26-28). The transcript encompassing this stipulation is attached hereto as Exhibit C. Thus, it is anticipated that 90% of the scheduled cases, including this one, will be stayed by agreement of the parties as soon as the parties have

time to complete the logistics of filing the appropriate documentation with the respective courts.

Respectfully submitted,

CITGO PETROLEUM CORPORATION,

By its attorneys,



J. Owen Todd (BBO # 499480)

Lisa G. Arrowood (BBO # 022330)

Kathleen M. Genova (BBO #563359)

Todd & Weld LLP

28 State Street

Boston, MA 02109

(617) 720-2626

Nathan P. Eimer

Pamela R. Hanebutt

Lisa S. Meyer

Eimer Stahl Klevorn & Solberg LLP

224 S. Michigan Ave., Suite 1100

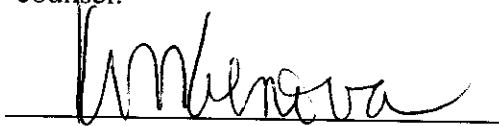
Chicago, IL 60604

(312) 660-7600

Dated: December 24, 2003

CERTIFICATE OF SERVICE

I, Kathleen M. Genova, one of the attorneys for CITGO Petroleum Corporation, hereby certify that I caused a copy of the foregoing to be served upon all counsel on the attached Service List, by U.S. Mail, first class postage prepaid, on December 24, 2003, with copies this same day served by telecopier on Plaintiffs' counsel.



Kathleen M. Genova (BBO # 563359)

SERVICE LIST

Town of Duxbury v. Amerada Hess Corporation, et al. (Suffolk County)

Attorneys for Plaintiffs:

Richard M. Sandman
Rodman, Rodman & Sandman, P.C.
442 Main Street
Suite 300
Malden, MA 02148-5122

Scott Summy
Baron & Budd, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219-4281
(214) 521-3605

Robert J. Gordon
Weitz & Luxenberg
180 Maiden Lane
New York, NY 10038
(212) 558-5500
(212) 344-5461 (fax)

Attorneys for Defendants:

Mindy G. Davis
Brent H. Allen
Howrey Simon Arnold & White
1299 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 783-0800
(202) 383-6610 (fax)
davism@howrey.com
allenbrent@howrey.com

***Attorneys for Amerada Hess Corporation,
Coastal Eagle Point Oil Company, Coastal
Mobile Refining Company, Coastal Oil New
England, Inc., El Paso CGP Company, El
Paso Corporation, El Paso Merchant Energy-
Petroleum Company***

Tracie L. Longman
Andrew G. Wailgum
Seth M. Wilson
Murtha Cullina LLP
99 High Street, 20th Floor
Boston, MA 02110
(617) 457-4000
(617) 482-3868 (fax)
tlongman@murthalaw.com
awailgum@murthalaw.com

and

J. Andrew Langan
Mark S. Lillie
R. Chris Heck
Kirkland & Ellis LLP
200 E. Randolph Drive
Chicago, IL 60601-6636
(312) 861-2000
(312) 861-2200 (fax)
alangan@kirkland.com
mark_lillie@chicago.kirkland.com
rheck@kirkland.com

and

Peter Bellacosa
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, NY 10022-4675
(212) 446-4800
(212) 446-4900 (fax)
pbellacosa@kirkland.com

***Attorneys for Atlantic Richfield Company; BP
America, Inc.; BP Amoco Chemical
Company; BP Company North America Inc.;
BP Corporation North America Inc.; BP
Global Special Products (America) Inc.; BP
Products North America Inc. (formerly
known as Amoco Oil Company and
misnamed as BP Products North Americas,
Inc.)***

John Fanning
Cullen and Dykman Bleakley Platt LLP
177 Montague Street
Brooklyn, NY 11201
(718) 780-0085
(718) 935-1509 (fax)
jfanning@cullenanddykman.com
Attorney for Getty Petroleum Marketing, Inc.

John McGahren
Kristi Midboe Miller
Latham & Watkins LLP
One Newark Center, 16th Floor
Newark, NJ 07101-3174
(973) 639-7270
(973) 639-7298 (fax)
john.mcgahren@lw.com
kristimidboe.miller@lw.com
Attorney for Getty Properties Corp.

William Kayatta
Pierce Atwood
One Monument Square
Portland, ME 04101
(207) 791-1238
(207) 791-1350
wkayatta@pierceatwood.com

and

Alan J. Hoffman
Blank Rome LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103-6998
(215) 569-5505
(215) 832-5505 (fax)
hoffman@blankrome.com
Attorneys for Lyondell Chemical Co.

William L. Parker
Fitzhugh, Parker & Alvaro LLP
155 Federal Street
Suite 1700
Boston, MA 02110-1727
(617) 695-2330
(617) 695-2335 (fax)
wparker@fitzhughlaw.com

and

Peter C. Condrón
Richard E. Wallace, Jr.
Wallace King Mararo & Branson
1050 Thomas Jefferson St., NW
Washington, DC 20007
(202) 204-1000
(202) 204-1001 (fax)
pcondron@wallaceking.com
rwallace@wallaceking.com
***Attorneys for Chevron U.S.A., Inc.,
individually and formerly known as Gulf Oil
Corp. (d/b/a Chevron Products Company and
d/b/a Chevron Chemical Company); Equilon
Enterprises, LLC, individually and also
known as Shell Oil Products US; Motiva
Enterprises, LLC; Shell Oil Company; Shell
Oil Products Company; Shell Oil Products
Company, LLC; Shell Petroleum, Inc.; Shell
Trading (US) Company, individually and
formerly known as Equiva Trading Company,
and also known as Stusco***

Lynn Wright
Edwards & Angell, LLP
750 Lexington Avenue
New York, NY 10022
(212) 308-4411
(212) 308-4844
lwright@EdwardsAngell.com

and

Brendan M. Dixon
Deputy General Counsel
Unocal Corporation
376 S. Valencia Avenue
Brea, CA 92823
(714) 577-2933
(714) 577-2980 (fax)
bmdixon@unocal.com

Attorneys for Unocal Corporation

Andrew Lapayowker
Vice President, General Counsel
and Secretary
Legal Department
Crown Central Petroleum Corporation
One North Charles Street (21201)
Post Office Box 1168
Baltimore, MD 21203
(410) 659-4834
(410) 659-4763 (fax)
alapayowker@crowncentral.com

and

Ben M. Krowicki
Bingham McCutchen LLP
One State Street
Hartford, CT 06103
(860) 240-2926
(860) 240-2818 (fax)
ben.krowicki@bingham.com
Attorney for Crown Central Petroleum Corporation

Mark E. Tully
Goodwin Procter LLP
Exchange Place
Boston, MA 02109
(617) 570-1000
(617) 523-1231 (fax)
mtully@goodwinprocter.com

***Attorneys for Chelsea Sandwich LLC;
Cumberland Farms Incorporated; Global
Companies, LLC; Global Montello Group,
LLC; Global Petroleum Corporation; and
Gulf Oil Limited Partnership***

Wayne F. Dennison
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111
(617) 856-8247
(617) 856-8201 (fax)
wdennison@brbilaw.com
and

Joseph C. Kearfott
Stuart A. Raphael
Shawn A. Copeland
Hunton & Williams LLP
Riverfront Plaza, East Tower
951 E. Byrd Street
Richmond, VA 23219
(804) 788-8200
(804) 788-8218 (fax)
jkearfott@hunton.com
Attorneys for Koch Industries Inc.

Steven L. Leifer
Baker Botts LLP
1299 Pennsylvania Avenue, NW
Washington, DC 20004-2400
(202) 639-7723
(202) 585-1040 (fax)
sleifer@bakerbotts.com
***Attorneys for Marathon Ashland Petroleum
LLC; Marathon Oil Company; and
Marathon Oil Corporation***

Paul J. Hogan
Joseph W. Martini
Amy McCallan
Karen Mignone
Pepe & Hazard LLP
225 Franklin Street, 16th Floor
Boston, MA 02110
(617) 748-5500
(617) 748-5555 (fax)
phogan@pepehazard.com
jmartini@pepehazard.com
amccallan@pepehazard.com
kmignone@pepehazard.com

and

Dan H. Ball
John W. Rogers
Bryan Cave LLP
One Metropolitan Square
211 N. Broadway, Suite 3600
St. Louis, MO 63102
(314) 259-2200 (Ball)
(314) 259-2009 (Rogers)
(314) 259-2020 (fax)
dhball@bryancave.com
jwrogers@bryancave.com
***Attorneys for Premcor, Inc. and The Premcor
Refining Group, Inc.***

Deborah E. Barnard
Robin L. Main
Tara Myslinski
Holland & Knight LLP
10 St. James Ave.
Boston, MA 02116
(617) 523-2700
(617) 523-6850 (fax)
deborah.barnard@hklaw.com
robinmain@hklaw.com
tjmyslinski@hklaw.com

and

Peter J. Sacripanti
James A. Pardo
McDermott, Will & Emery
50 Rockefeller Plaza
New York, NY 10020-1605
(212) 547-5400
(212) 547-5444 (fax)
osacripanti@halloran-sage.com
jpardo@mwe.com

***Attorneys for Exxon Mobil Chemical
Company, Inc.; Exxon Mobil Corporation;
Exxon Mobil Oil Corporation; Exxon Mobil
Refining and Supply Company; and Mobil
Corporation***

John S. Guttman
Beveridge & Diamond, P.C.
1350 I Street, NW
Suite 700
Washington, DC 20005
(202) 789-6020
(202) 789-6190 (fax)
jguttman@bdlaw.com
***Attorneys for Sunoco Inc., Sunoco Inc.
(R&M)***

Charles Siddons
McMillan Constabile, LLP
777 Summer Street
Stamford, CT 06901

and

Randle B. Carpenter
CARPENTERS
River House - Suite 2
29 Hazel Lane
Larchmont, NY 10538
(914) 834-6669
(914) 834-3109 (fax)
Randle@Carpenters-law.com
Attorneys for Star Supply Petroleum Inc.

Rod G. Smith
ConocoPhillips
600 North Dairy Ashford
Houston, TX 77079
(281) 293-1740
(281) 293-3826 (fax)
Rod.G.Smith@conocophillips.com
Attorneys for ConocoPhillips Company